

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Ben Frater
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Date: 02/07/2012

Project Name: Mississippi Oyster Cultch Restoration

I. Service Program: Ecological Services

II. State: Regional Office

III. Station Name: Deepwater Horizon NRDAR Field Office

IV. Description of proposed action:

This project is being proposed and implemented by the State of Mississippi (State). However, as a member of the Department of Interior, the Deepwater Horizon NRDAR Field Office is (in part) a co-Trustee to the State in the Natural Resources Damage Assessment and Restoration planning currently unfolding for the *Deepwater Horizon* incident. Trustees bear the responsibility to approve or disapprove of any other Trustee's project. We believe this decision is a federal action that warrants consultation under Section 7 of the ESA.

The state of Mississippi has approximately 12,000 acres of total cultch areas, including about 9,000 acres of oyster cultch area which can be harvested in the Mississippi Sound, and about 3,000 acres of cultch areas closed to harvest. Once clean oyster cultch has been planted and larval oysters become attached, oysters may grow to legally harvestable size in 18 to 36 months. Mississippi typically does not open oyster areas to harvest until five or six years after cultch placement.

The goal of this project is to restore and enhance oyster cultch areas in the marine waters of the Mississippi Sound in Hancock and Harrison counties (Figure 1). The Mississippi Department of Marine Resources (MDMR) routinely surveys oyster cultch plant areas to identify potential enhancement and restoration opportunities. This project would restore and enhance approximately 1,430 acres of the oyster cultch areas within the Mississippi Sound. Cultch material (oyster shell, limestone or crushed concrete, or some combination thereof) would typically be deployed at a rate of 100 cubic yards per acre with adjustments for site conditions as needed. Deployment would occur in Spring 2012, Fall 2012 and Spring 2013. This project has been authorized by the US Army Corps of Engineers under Nation Wide Permit 48, *Existing Commercial Shellfish Aquaculture Activities*.

V. Pertinent Species and Habitat:

Per Ben Frater:
To be addressed
by NOAA Fisheries

Species / Critical Habitat	Status
West Indian Manatee	Endangered
Gulf Sturgeon	Threatened
Gulf Sturgeon Critical Habitat	Designated Final

VI. Location (attach map):

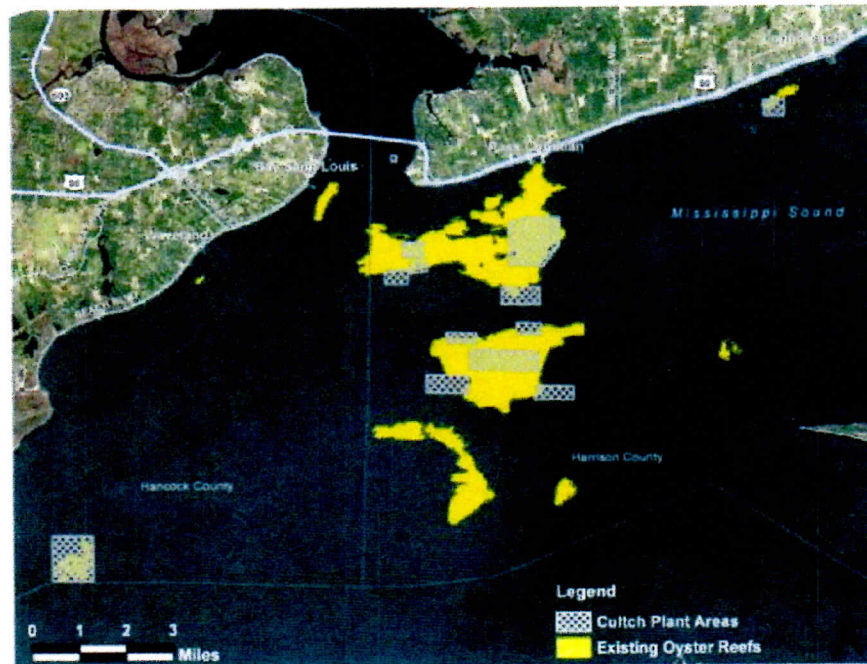


Figure 1. Project areas in relation to Bay Saint Louis, MS.

A. County and State: Coastal Hancock and Harrison County, MS

B. Species/habitat occurrence: West Indian Manatee and Gulf Sturgeon are known to migrate through these areas. Gulf Sturgeon Critical Habitat has been designated for the Mississippi sound.

VII. Determination of effects:

A. Explanation of effects of the action on species in item V. It is anticipated that placement of the cultch material will be brief (a few days) at any given site so the duration and extent of disturbance will not significantly interfere with migration. If sturgeon or manatee are present, these highly mobile species could avoid any disturbance by moving into adjacent areas of similar, unimpacted habitat. Turbidity in the water column may temporarily increase during the brief deployment. The material may displace or cover some infauna and epifauna. However many epifaunal organisms are

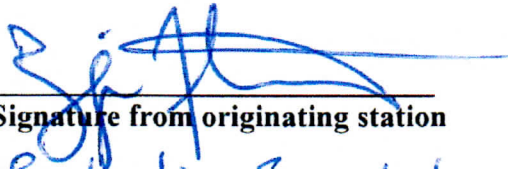
mobile and would be minimally affected by the settling material. It is unlikely that cultch placement in the Mississippi sound would damage, destroy, or adversely modify any designated critical habitat since the sites proposed to be enhanced are all existing oyster seed beds.

B. Explanation of actions to be implemented to reduce adverse effects:

None needed.

VIII. Effect determination and response requested:

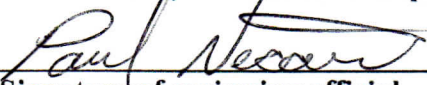
Our determination is that this project may affect, but is not likely to adversely affect the Gulf Sturgeon and its critical habitat, and the West Indian Manatee. We are requesting concurrence from you on this determination.


Signature from originating station
Restoration Specialist
Title

2/8/12
Date
DWH NRDA
Office

IX. Reviewing ESO Evaluation:

- A. Concurrence ☒ Nonconcurrence _____
B. Formal consultation required _____
C. Conference required _____
D. Informal conference required _____
E. Remarks (attach additional pages as needed):


Signature of reviewing official
Fish & Wildlife Biologist
Title

(See Attached) → email correspondence
3-6-12 3-5-12
Date
FWS Mississippi Field Office
Office